

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TYRONE LAMONT MERRILL,)
Petitioner,) 1:12CV351
v.) 1:02CR236-1
UNITED STATES OF AMERICA,)
Respondent.)

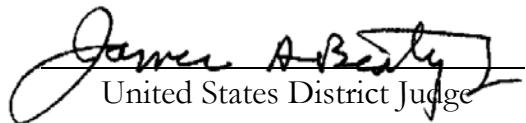
ORDER

On December 17, 2012, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections to the Recommendation have been filed. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #66] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. #53] is GRANTED, that the Judgment [Doc. #13] is VACATED as to Count Two, and that Count Two of the Indictment [Doc. #1] is DISMISSED.

IT IS FURTHER ORDERED that this matter be set for a hearing on the alleged violation of supervised release imposed as part of the conviction in Count One, which remains unaffected.

This, the 18th day of January, 2013.


United States District Judge